Minutes of the regular monthly meeting of the Jerusalem Town Board held on January 15, 2020 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Castner, Jones, Martin, Stewart, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Tim Cutler, John Christensen; Chronicle Express Reporter, Doug Paddock, Doug Paddock.

Supervisor Sisson called the meeting to order with the Pledge to the Flag at 7:00 P.M.

RESOLUTION #19-20

CHANGES TO THE AGENDA

On a motion of Councilor Stewart, seconded by Supervisor Sisson, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart Nays 0

Resolved the following be added to the agenda:

- 1. KPSW Finger Lakes Water Works Conference & Annual Business Meeting & Membership Dues
- 2. KPSW Transitional Services Retired Engineer Wayne Ackart:
- 3. Proclamation Jerusalem School Choice Week

RESOLUTION #20-20

APPROVAL OF MINUTES - DECEMBER 18, 2019 AND JANUARY 6, 2020

ADOPTED Ayes 4 Castner, Jones, Sisson, Stewart

Nays 0

Abstain 1 Martin

Resolved that the minutes of the December 18, 2019 meeting be approved as read; and, be it further

Resolved the January 6, 2020 Organization Meeting minutes be approved with an amendment to Resolution #4-20 Fee Schedule:

Stand Alone Generator \$50 Solar Panels Under 30 \$50 Over 30 \$100

RESOLUTION #21-20

AUDIT OF CLAIMS

On a motion of Councilor Jones, seconded by Councilor Martin, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart Nays 0

Resolved that the bills be paid as presented in the following amounts:

2019 Year End:

General: \$13,761.74

Outside Village: \$81.03

Highway DB: \$29,723.01

Capital: \$8,320.49

Sewer: \$55,780.65

Water: \$7,522.27

Trust: \$2.99

January 2020:

General: \$11,614.28
Outside Village \$ 92.34
Highway DB: \$1,340.01
Capital: \$13,900.00
Sewer: \$824.28
Water: \$3,412.46
Branchport Light \$265.81

December Utilities:

General: \$ 1,027.57
Outside Village: \$ 303.32
Highway DB: \$ 7,493.16
Capital: \$ 27.05
Water: \$ 1,515.94
Sewer: \$ 29,488.12
Trust: \$121,095.63

RESOLUTION #22-20 SUPERVISOR REPORT

On a motion of Councilor Jones, seconded by Councilor Stewart, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of December 2019 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- The Highway Committee met to discuss options to repair the Gradall and determined the motor will be sent out as our mechanic's current priority is maintaining our plow trucks.
- Quotes will be obtained to purchase a Class 6 plow truck.
- Highway Superintendent Hurd met with the property owner and contractor to discuss changing out a cross-over pipe on East Bluff Drive. Work will be at the expense of the property owner.

• Siding has been installed on approximately ¾ of the Town Barn.

WATER/SEWER REPORT

- Fall work is underway due to the Water Rehab Capital project taking priority.
- Bids are being obtained to video inspect and clean the sanitary sewer lines in Keuka Park.
- The Water/Sewer Department would like a building to house their equipment. Grant funding will be researched.
- ullet A luncheon for retired Town Engineer Wayne Ackart was held on January 9^{th} .

ASSESSOR

• Report on file.

COUNCIL

- Councilor Stewart left a message for Judge Whitford to schedule the Annual Accounting of the Justice's books.
- Yates County Highway Department is installing parking signs in Keuka Park as time allows.

RESOLUTION #23-20

RESOLUTION AUTHORIZING ADOPTION OF LOCAL LAW NO. 1 of 2020 ZONING AMENDMENT PERTAINING TO DOG KENNELS, ANIMAL RESCUE/FOSTERING FACILITIES, VETERINARY OFFICES AND ANIMAL HOSPITALS

On a motion of Councilor Castner, seconded by Councilor Jones, the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Martin Abstain
Councilor Stewart Aye
Supervisor Sisson Aye
Councilor Jones Aye
Councilor Castner Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on December 18, 2019, at 7:00 p.m. at Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Amending the Town of Jerusalem Zoning Ordinance Pertaining to Dog Kennels, Animal Rescue/Fostering Facilities, Veterinary Clinics / Veterinary Offices and Animal Hospitals" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on December 4 & 11, 2019 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on December 18, 2019, at 7:03 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEOR; and

WHEREAS, the Yates County Planning Board reviewed the Local Law (Referral #2019-39) and determined the application as presented has no significant countywide or intermunicipal impact; and

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interest of the Town of Jerusalem to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 1 of 2020, entitled "A Local Law Amending the Town of Jerusalem Zoning Ordinance Pertaining to Dog Kennels, Animal Rescue/Fostering Facilities, Veterinary Clinics / Veterinary Offices and Animal Hospitals", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Town Local Law Book, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law conspicuously at or near the main entrance to the office of the Town Clerk.

RESOLUTION #24-20

INTRODUCE LOCAL LAW AND CALLING A PUBLIC HEARING - LOCAL LAW A-2020 TAX CAP OVERRIDE

On a motion of Councilor Stewart, seconded by Councilor Martin, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart Nays 0

WHEREAS, the Town Board of the Town of Jerusalem, after due

deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Jerusalem to proceed in accordance with the Code of the Town of Jerusalem and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on February 19, 2020, at 7:00 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Jerusalem sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Jerusalem for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

RESOLUTION #25-20

2019 YEAR END BUDGET MODIFICATIONS

On a motion of Councilor Jones, seconded by Councilor Castner, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart Nays 0

General A fund

	-			
From	: 1990.4		\$3,	042.00
To:	1010.1	Town Board	\$.10
	1010.4	Town Board	\$	100.00
	1410.4	Town Clerk	\$.65
	1670.4	Printing/Mailing	\$2,	444.00
	1910.4	Insurance	\$	225.00
	5010.1	Highway Super. PS	\$.25
	5182.4	Street Lighting	\$	102.00

8989.4 Home/Community	\$ 170.00
General B fund From: 8010.4 Zoning CE To: 8010.2 Zoning EQ	\$1,160.00 \$1,160.00
<pre>Highway DB fund From: 5110.4 General Repairs To: 9060.8 BCBS</pre>	\$6,140.00 \$6,140.00
<pre>Water fund From: 1990.4 Contingent To: 8310.1 Administrative PS</pre>	\$9,755.00 \$ 35.00 \$9,720.00
<pre>Sewer fund From: 1990.4 Contingent To: 8110.1 Administration 8120.4 Sanitary Sewers</pre>	\$8,394.00 \$ 154.00 \$8,240.00

RESOLUTION #26-20

284 AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEY

On a motion of Councilor Stewart, seconded by Councilor Jones, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart Nays 0

Resolved the Town Board and Highway Superintendent enter into the Agreement for the Expenditure of Highway Moneys pursuant to the provisions of Section 284 of the Highway Law.

RESOLUTION #27-20

AWARD WATER TANK PROJECT BID

On a motion of Councilor Stewart, seconded by Councilor Jones, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart Nays 0

Whereas three quotes were received in response to the Advertisement for Bids for the Keuka Park Water Storage Tank Rehabilitation Project as follows:

Pittsburg Tank & Tower Maintenance Co., Inc. \$179,650 Utility Service Co. \$237,500 Amstar of Western NY \$180,000

Whereas said bids were opened on December 4, 2019 and reviewed by Larson Design Group; now, therefore, be it

Resolved that that contract be awarded to the low bidder, Pittsburg Tank and Tower Maintenance Co., Inc. in the amount of \$179,650 and the Supervisor be authorized to execute the Notice of Award.

RESOLUTION #28-20

2021 REVAL BASED ON 2018 CYCLICAL REASSESSMENT PLAN

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart Nays 0

Whereas the New York State Plan for Cyclical Reassessments for 2018-2021 was executed in 2017; and

Whereas our equalization rate is 96%; now, therefore, be it

Resolved the Town Board commit to a conducting a reval in assessment roll year 2021.

RESOLUTION #29-20

PLANNING BOARD APPOINTMENT - ROBIN JOHNSON

On a motion of Councilor Jones, seconded by Supervisor Sisson, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart Nays 0

Resolved That Robin Johnson be appointed to the Planning Board to fill the unexpired term of Kerry Hanley through 12/31/2024.

RESOLUTION #30-20

AUTHORIZE SUPERVISOR TO EXECUTE YATES COUNTY INTERMUNICIPAL

AGREEMENT - REAL PROPERTY IMAGERY SERVICES (PICTOMETRY)

On a motion of Councilor Stewart, seconded by Councilor Castner, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart Nays 0

Resolved the Supervisor be authorized to sign the Inter-Municipal Agreement dated December 10, 2019 with Yates County to access the real property imagery services and products provided to the County pursuant to the Pictometry International Corp. 2020-2025 contract.

RESOLUTION #31-20

FINGER LAKES WATER WORKS CONFERENCE ANNUAL BUSINESS MEETING & MEMBERSHIP DUES

On a motion of Councilor Stewart, seconded by Councilor Jones, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart

Nays 0

Whereas; Finger Lakes Water Works Conference is hosting the 2020 Annual Business Meeting at Club 86, Avenue E, Geneva, NY 14456 on February 6th, 2020 at 9:00 a.m.; and

Whereas; the cost for a pre-paid, pre-registered 2020 Conference Member is \$25.00/person; and

Whereas; accreditation of operator contact hours will be given for attendance; and

Whereas operator contact hours are a requirement of the NYS Department of Health for recertification; and

Whereas; renewal of Kasey Christensen membership dues need to be paid; the three-year membership cost is \$15.00; and

Whereas; instruction, training expenses and membership dues were approved in the 2020 budget; now,

Therefore, be it resolved to authorize attendance for up to (2) person(s) from the Water/Sewer Department to attend the Finger Lakes Water Works Conference Annual Business Meeting at a cost of \$25.00/person. This expense to be funded 70% from the 8340.4 and 30% by 8120.4; and, be it further

Resolved to authorize payment for membership dues for Kasey Christensen expiring February 2022. This expense to be funded 70% from the 8310.4 and 30% by 8110.4.

RESOLUTION #32-20

KPSW TRANSITIONAL SERVICES - RETIRED ENGINEER WAYNE ACKART
On a motion of Councilor Stewart, seconded by Councilor Jones, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart Nays 0

Resolved the Keuka Park Sewer & Water Department request for transitional services from retired Engineer Wayne Ackart be authorized for one year to assist the department during the conversion to Larson Design Group.

RESOLUTION #33-20

PROCLAMATION COMMEMORATING JERUSALEM SCHOOL CHOICE WEEK
On a motion of Supervisor Sisson, seconded by Councilor Jones, the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart

Nays 0

WHEREAS all children in Jerusalem should have access to the highest-quality education possible; and,

WHEREAS Jerusalem recognizes the important role that an effective education plays in preparing all students in Jerusalem to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of Jerusalem; and,

WHEREAS Jerusalem is home to a multitude of excellent education options from which parents can choose for their children; and,

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS our area has many high-quality teaching professionals who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Jamie Sisson do hereby recognize January 26 - February 1, 2020 as JERUSALEM SCHOOL CHOICE WEEK, and I call this observance to the attention of all of our citizens.

PUBLIC COMMENT

- Yates County is again offering mandatory training through Skill-Up. Training is free-of-charge to Town personnel.
- Posting traffic control signs on Wager Hill Road in light of the recent vehicle accident will be pursued.
- Supervisor Sisson will contact Randy Roads who is interested in serving the Town and suggest joining our Comprehensive Plan Review subcommittee.
- A press conference to announce the USDA Re-Connect grant funds awarded to Yates County is scheduled February 3rd at Glenora.
- Congressman Tom Reed is holding a community meeting at the Italy Town Hall on January $25^{\rm th}$ at 3:00.

With there being no further business, on a motion by Councilor Jones, seconded by Councilor Castner, the meeting was adjourned at 7:48 P.M.

Local Law No. 1 of the year 2020

A Local Law Amending the Town of Jerusalem Zoning Ordinance Pertaining to Dog Kennels, Animal Rescue/Fostering Facilities, Veterinary Clinics / Veterinary Offices and Animal Hospitals

- Section 1. Purpose. The purpose of this local law is to establish new and more protective standards for the issuance of a special use permit for a dog kennel (whether private or commercial), animal rescue/fostering facility, veterinary clinic / veterinary office or animal hospital in the Agricultural/Residential Zone and to provide for inspections of such facilities.
- Section 2. Paragraph C. of Section 160-20 (Special uses) of Article V (Agricultural Residential (AGR) Use District) of The Town of Jerusalem Zoning Ordinance is hereby repealed and a new Paragraph C is inserted in its place to read as follows:
 - C. Dog kennels (whether private or commercial), animal rescue/fostering facilities, veterinary clinics / veterinary offices and animal hospitals. See § 160-24
- Section 3. Section 160-24 (Animal hospitals) of Article V (Agricultural Residential (AGR) Use District) of The Town of Jerusalem Zoning Ordinance is hereby repealed and a new Section 160-24 is inserted in its place to read as follows:
 - § 160-24. Dog kennels (whether private or commercial), animal rescue/fostering facilities, veterinary clinics / veterinary offices and animal hospitals.
 - A. As used in this chapter, the following term shall have the meaning indicated:

REGULATORY AGENCIES - USDA (United States Department of Agriculture), NYS A&M New York State Department of Agriculture and Markets and/or NY PPBA New York Professional Pet Breeder Association

- B. The Zoning Board of Appeals may not grant special use permit approval for a dog kennel (whether private or commercial), animal rescue/fostering facility, veterinary clinic / veterinary office or animal hospital unless the Planning Board has first issued final approval for a site plan in accordance with this Chapter for such proposed special use.
- C. The following standards apply to all dog kennels (whether private or commercial), animal rescue / fostering organization facilities, veterinary clinics / veterinary offices and animal hospitals.
- (1) The minimum lot area for all dog kennels, animal rescue / fostering organization facilities, veterinary clinics / veterinary offices or animal hospitals shall be a minimum of 5 acres and shall conform to all requirements of the zoning district for principal uses.

- (2) No new structure to house dogs within a kennel, rescue / fostering organization facilities, veterinary clinic / veterinary office or animal hospital shall be closer than 100 feet to any front, side or rear property line. No outdoor area enclosed by fences for the use of dogs shall be permitted within a front yard. All outside runs enclosed by fences for the use of dogs shall be set back not less than 200 feet from any side or rear property line.
- (3) Housing and exercise areas shall be maintained daily as a clean and waste free environment.
- (4) No excrement, manure or other odor or dust producing substance shall be stored or disposed of within 100 feet of any lot line.
- (5) A Waste Management Plan shall be submitted at the time of application, showing appropriate measures for the storage, disposal, treatment of all waste, manure and contaminated materials that meets the approval of all applicable Regulatory Agencies.
- (6) The applicant shall submit and maintain Proof of Compliance with licensing requirements of all applicable Regulatory Agencies.
- (7) The applicant shall comply with the requirements of all applicable Regulatory Agencies for disposal of deceased dogs.
- (8) The applicant shall submit a site plan including adequate plantings and buffering that will be provided and maintained to minimize the impact of inherent nuisance such as noise and odor.
- (9) The applicant shall submit a plan for humane retention or adoption of breeding female dogs once they are past prime breeding age, and have a record kept of the placement. Dogs shall also be neutered or spayed at retirement.
 - (10) A maximum of eight breeding (adult) female dogs will be allowed.
- (11) Each applicant for a kennel or dog facility described above shall provide the name of a fully certified veterinarian who has agreed to attend animals that are to be housed at said kennel or dog facility and submit a letter from that veterinarian containing the following:
 - (a) Confidence in the applicant's ability to properly care for the number of breeding dogs requested in the facility as designed.
 - (b) Instructions for the breeder in proper technique and equipment for any procedure that the breeder is allowed to perform by law.
- (12) Flooring for the dog kennel or facility shall be either solid or plastic coated wire flooring with a minimum of 50% solid flooring which may be required upon the recommendation of any of the Regulatory Agencies. Plastic wire covered flooring is

permitted as long as the gauge of openings is small enough to prevent injuries for the size of dog being housed.

D. INSPECTIONS.

- (1) Prior to commencement of use, the structure shall be inspected by the Code Enforcement Officer for compliance with all laws, ordinances, rules and regulations applicable. Inspection reports from USDA inspector shall be copied and supplied to the Zoning Office.
- (2) The owner/operator shall allow inspections by the Code Enforcement Officer of the Town of Jerusalem of the operation at unannounced times to insure compliance with all conditions and requirements set forth by the Town of Jerusalem.
- (3) A written report by Code Enforcement Officer shall be filed in Town offices of any inspection.
- (4) Violations shall be enforced by the Code Enforcement Officer and/or any of the applicable Regulatory Agencies in accordance with Article XVI of this Chapter.

E. PRE-EXISTING DOG KENNEL AND BREEDING FACILITIES.

(1) Pre-existing facilities shall be reviewed under Special Use Permit process and shall be allowed to function at previously approved capacity.

Section 4. Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 1 Local Law No. A of the year 2020

A local law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Jerusalem, County of Yates pursuant to General Municipal Law §3-c, and to allow the Town of Jerusalem to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Jerusalem, County of Yates, is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part of this local law or in its application to the person, individual, firm or corporation, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 2 TOWN OF JERUSALEM NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Jerusalem on the 19th day of February, 2020, at 7:00 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law which would permit the Town Board to adopt a budget for the 2021 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Any resident of the Town of Jerusalem shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York.

This by Resolution of the Town Board of the Town of Jerusalem.